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Attorneys for Defendant

CITIBANK, N.A. (erroneously sued herein as
 "CITIBANK, NATIONAL ASSOCIATION an FDIC
 insured corporation")

FILED

2012 MAY 14 A 11:30

RICHARD W. WIERING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

E-filing

HRL

CV 12 2452

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

MARPU VENUGOPAL,

Plaintiff,

v.

CITIBANK, NATIONAL ASSOCIATION an
 FDIC insured corporation and DOES 1 through 100
 inclusive,

Defendants.

Case No.: TBD

NOTICE OF REMOVAL OF ACTION
 UNDER 28 U.S.C. § 1441(b)

[Federal Question; Diversity of Citizenship]

TO ALL PARTIES AND TO THEIR RESPECTIVE COUNSEL OF RECORD:

PLEASE TAKE NOTICE that defendant CITIBANK, N.A. (erroneously sued herein as
 "CITIBANK, NATIONAL ASSOCIATION an FDIC insured corporation") (hereinafter "Citibank")
 hereby removes to this Court the state court action described below pursuant to 28 U.S.C. Section
 1441(b) *et seq.*

1. On April 12, 2012, an action was commenced in the Superior Court of the State of
 California in and for the County of Santa Clara, entitled *Venugopal v. Citibank, National
 Association, et al.* and assigned case number 112CV222411. A true and correct copy of the relevant
 summons and complaint are attached hereto as Exhibit A.

2. MARPU VENUGOPAL (hereinafter, "Plaintiff") effectuated service upon Citibank
 on April 13, 2012, by delivering a copy of the summons and complaint with its registered agent of
 service of process. Therefore, removal is timely pursuant to 28 U.S.C. Section 1446(b).

3. This action is a civil action of which this Court has original jurisdiction under 28 U.S.C. Section 1332 and is one which may be removed to this Court by Citibank pursuant to the provisions of 28 U.S.C. Section 1441(b) based upon the diversity of the citizenship of the parties.

4. Pursuant to 28 U.S.C. Section 1332, complete diversity of citizenship exists in that:

(a) Plaintiff is a citizen of Santa Clara County, California.

(b) Citibank is a national banking association with its main office, as set forth in its articles of association, in South Dakota. (*See also* Compl., ¶ 7.) Thus, Citibank is a citizen of only South Dakota. (28 U.S.C. § 1348; *Wachovia Bank v. Schmidt*, 546 U.S. 303, 306-307 (2006).)

5. Pursuant to 28 U.S.C. Section 1332(a), the amount in controversy exceeds the minimum of \$75,000.00. Plaintiff prays for \$10,000.00 in statutory damages, \$50,000.00 in punitive damages. (Compl. pg. 13, Ins. 6-9.) Plaintiff also seeks statutory attorneys' fees and costs. (*Galt G/S v. JSS Scandinavia*, 142 F.3d 1150, 1155-56 (9th Cir.1998).)

6. This action may also be removed to this Court by Citibank pursuant to the provisions of 28 U.S.C. Section 1441(b) in that it arises under the federal Fair Credit Reporting Act, codified at 15 U.S.C. Section 1681 *et seq.*

7. The United States District Court for the Northern District of California has jurisdiction in this civil action as a substantial part of the events giving rise to the claims occurred which are the subject of the Complaint took place in the County of Santa Clara. Moreover, the Superior Court of California for the County of Santa Clara is located within the Northern District of California. (*See* 28 U.S.C. § 84(a).) Thus, venue is proper in this Court because it is the "district and division embracing the place where such action is pending." (28 U.S.C. § 1441(a).)

8. Pursuant to Civil Local Rule 3-2(d), the division to which this civil action should be assigned is the San Jose Division because Santa Clara County is located within the jurisdiction of the San Jose Branch.

9. Citibank is the only defendant named to this action.

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10. Pursuant to 28 U.S.C. Section 1446(a), Citibank filed this Notice of Removal in the District Court of the United States for the District and Division within which the state court action is pending.

11. Pursuant to 28 U.S.C. Section 1446(a), the only available documents, known to Citibank to have been filed in Santa Clara County Superior Court in connection with case number SCV0030873 to date, are the summons, complaint, and civil case cover sheet attached hereto as Exhibit A.

12. Pursuant to 28 U.S.C. Section 1446(d), Citibank will promptly give written notice of the removal to all adverse parties and will file a copy of the notice with the clerk of the Santa Clara County Superior Court.

13. Citibank reserves the right to supplement this Notice of Removal when additional information becomes available. Citibank further reserves all rights, including, but not limited to, defenses and objections as to venue, personal jurisdiction, and service. The filing of this Notice of Removal is subject to, and without waiver of, any such defense or objection.

WHEREFORE, Citibank hereby removes Santa Clara County Superior Court Case number 112CV222411 to the United States District Court for the Northern District of California

DATED: May 14, 2012

WOLFE & WYMAN LLP

By: 

BRIAN H. GUNN
KIMBERLY A. PAESE

Attorneys for Defendant

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